

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

GRAHAM BACCUS, *et al.*,)
Plaintiffs,)
v.) Case No. CIV-07-648-D
KFC CORPORATION,)
Defendant.)

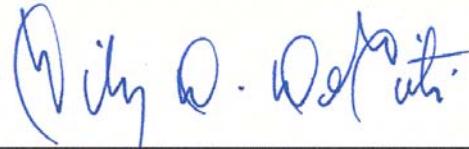
O R D E R

Before the Court is Defendant's Renewed Motion to Stay Proceedings Pending a Decision by the Judicial Panel for Multidistrict Litigation [Doc. 39]. Plaintiffs have not timely opposed the motion, even though Plaintiffs' counsel stated at the time of the motion that Plaintiffs objected to the request. *See* Def.'s Renewed Mot. Stay [Doc. 39], ¶ 6. The Court, in the exercise of discretion under Local Court Rule LCvR7.1(g), deems the motion confessed.

Defendant asks that all deadlines and proceedings in this matter be stayed until the Judicial Panel for Multidistrict Litigation decides a pending motion for transfer of actions, including this one, to the District of Minnesota pursuant to 28 U.S.C. § 1407. *See In re KFC Corp. Fair Labor Standards Act Litigation*, MDL No. 1892. The motion was heard by the Panel on November 29, 2007, but a decision has not yet been announced; Defendant states that a decision is anticipated within three to six weeks from the date of the hearing. This case is subject to a Scheduling Order entered September 6, 2007, setting appropriate deadlines in light of the pending § 1407 motion and staying discovery until November 30, 2007. Under the circumstances now presented, the Court finds that rather than ordering a stay of the case, existing deadlines should be extended and the start of discovery should be delayed.

IT IS THEREFORE ORDERED that Defendant's Renewed Motion to Stay Proceedings [Doc. 39] is GRANTED in part. All unexpired deadlines in the Scheduling Order [Doc. 37] are extended by sixty (60) days and the stay of discovery shall remain in effect until the Judicial Panel for Multidistrict Litigation issues a ruling in MDL No. 1892.

IT IS SO ORDERED this 20th day of December, 2007.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE